

2010R01079/CIM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

FEB - 8 2012

UNITED STATES OF AMERICA : Hon.
:
v. : Criminal No. 12-121
:
MELODY MACKEN : 18 U.S.C. § 1029(a)(5) & § 2

AT 8:30
WILLIAM I. WALSH, CLERK M

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

1. From in or about February 2010 through in or about
November 2011, in Essex County, in the District of New Jersey and
elsewhere, the defendant

MELODY MACKEN

did knowingly and with intent to defraud effect transactions with
one or more access devices, namely credit card numbers, issued to
another person or persons, and by such conduct did obtain payment
or things of value, aggregating \$1,000 or more during a one-year
period, namely merchandise valued in excess of approximately
\$133,000, in a manner affecting interstate commerce.

The Scheme to Defraud

2. It was the object of the scheme to defraud for
defendant MELODY MACKEN to obtain consumer goods, including but not
limited to clothing, shoes, accessories, cosmetics, appliances, and
bedding, by using fraudulently-obtained credit card account numbers
belonging to other individuals, without the knowledge or consent of
those individuals.

Manner and Means of the Scheme to Defraud

3. It was part of the scheme to defraud that defendant MELODY MACKEN would call a branch of a certain department store (the "Department Store") and pretend to be an employee from another branch of the Department Store. During such telephone calls, defendant MELODY MACKEN would obtain customer information, including names, addresses and telephone numbers, for customers who had recently placed orders.

4. It was further part of the scheme to defraud that defendant MELODY MACKEN would then call the customer who had recently placed the order and pretend to be an employee of the Department Store. During these telephone calls with the customers, defendant MELODY MACKEN would use tactics referred to as "social engineering" to deceive the customers into revealing one or more of the customers' credit card account numbers.

5. It was further part of the scheme to defraud that defendant MELODY MACKEN would then use the credit card account numbers that she had obtained from the Department Store's customers to make purchases, including but not limited to clothing, shoes, accessories, cosmetics, appliances, and bedding, at the Department Store and at other retailers.

6. It was further part of the scheme to defraud that defendant MELODY MACKEN obtained, without authorization, additional credit card account information from other sources, and used those credit card numbers to make additional illicit purchases.

7. It was further part of the scheme to defraud that defendant MELODY MACKEN had no intention of paying for her purchases, and did not reimburse the credit card company for these improper expenses.

8. It was further part of the scheme to defraud that, during the one-year period from on or about April 1, 2010 through on or about March 31, 2011, defendant MELODY MACKEN fraudulently used, without authorization, credit card information belonging to one or more individuals to obtain consumer goods and other things of value, aggregating \$1,000 or more.

9. It was further part of the scheme to defraud that, during the period from in or about February 2010 through in or about November 2011, defendant MELODY MACKEN fraudulently used, without authorization, credit card information belonging to one or more individuals to make purchases of consumer goods worth in excess of approximately \$133,000. These purchases included Louis Vuitton and Fendi handbags, Prada and Ferragamo shoes, a stove, and two mattresses.

In violation of Title 18, United States Code, Section 1029(a)(5).

FORFEITURE ALLEGATIONS

1. The allegations contained in all paragraphs of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(B).

2. The United States hereby gives notice to the defendant charged in this Indictment that, upon conviction of the offense charged in this Indictment, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 982(a)(2)(B), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Section 1029, alleged in this Indictment.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 herein:

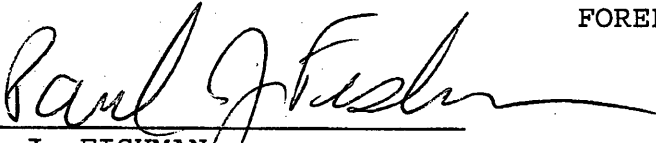
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party,
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section

853(p), as incorporated by Title 18, United States Code, Section
982(b)(1).

A TRUE BILL

FOREPERSON



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 12 -

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

MELODY MACKEN

INDICTMENT FOR

18 U.S.C. §§ 1029(a)(5) & 2

A True Bill,

Foreperson

**PAUL J. FISHMAN
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY**

**SHIRLEY EMEHELU
ASSISTANT U.S. ATTORNEY
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(Ed. 1/97)**